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## Decision Memorandum

### *Chucker's Lode Exploration*



USDA Forest Service, Northern Region  
Nez Perce-Clearwater National Forests  
Red River Ranger District  
Idaho County, Idaho

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#### I. Background

The Red River District Ranger proposes to approve the claimant's proposal for opening an existing adit and exploratory drilling in a previously disturbed area within the Fall Creek drainage located in the Nez Perce-Clearwater National Forests, Idaho County, Idaho at T29N R6E Section 25, Boise Meridian (see attached map).

The category for this project is: 36 CFR 220.6(c)(8) *Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road, or use and minor repair of existing roads.*

#### II. Purpose and Need

The purpose of the action is to test for gold values on unpatented mining claims. The need is to determine if sufficient quantities of valuable minerals exist to warrant further development of a mining operation.

The Forest Service is legally required to respond to the mining proponent's request to authorized mining based on a proposed plan of operations (36 CFR 228.4). The Forest Service is required to ensure that "operations are conducted, so as, where feasible, to minimize adverse environmental impacts" (36 CFR 228.8).

Forest-wide management direction in the Nez Perce National Forest Plan related to this project can be found on pages II-15 to II-27 (USDA Forest Service, 1987). Direction for minerals includes the following applicable standards:

1. Administer the appropriate laws and regulations relating to minerals in a reasonable and consistent manner.
3. Provide reasonable access to prospect, explore, develop, and produce mineral resources. Evaluate access needs based on requirements of mining operations and environmental factors. Applicable road construction specifications and standards shall be met.
4. Assist miners in developing operating plans that provide for environmental protection and ultimate rehabilitation, while allowing exploration, development, and production to proceed in a reasonable and timely manner.

11. Assist miners in developing reclamation plans which clearly state final management objectives for specific mined areas and detail the procedures and timeframes which will be followed to accomplish those objectives.
12. Meet Forest fish/water quality objectives for all active mining operations.
13. Ensure that State and Federal water quality standards are being met for all active mining operations.

Management direction for Management Areas (MA) 1C, 4 and 21C may also apply to this project: Provide the minimum management necessary to provide for resource protection and to ensure public safety. Additional road construction will be allowed to manage adjacent areas (MA 1C); Encourage exploration and development of mineral resources, while at the same time minimizing surface impacts from those activities (MA 4); Manage grand fir-Pacific yew communities for moose winter range and other multiple uses (MA 21C).

### **Decision**

I have decided to approve the mineral exploration Plan of Operations with the following terms and conditions for the Chucker's Lode Exploration Project. The project is currently proposed for the spring and summer of 2017 and may extend through the 2018 operating season, depending on weather and timing. The project area is accessed by taking State Highway 14 from Grangeville, Idaho to Forest Development Road 649 (Silver-Leggett Road) to National Forest System Road 647. From 647 an unimproved road bears to the right to the project area.

The claimant proposes to open an existing adit to test if gold and other valuable metals exist in sufficient quantities to justify further development of a mining operation. A small Bobcat type loader will be used for removal of material. The material removed, as well as samples from within the adit, will be crushed onsite and run through a small gravity type separation system. The total amount of material to be removed will be approximately 10 cubic yards. All waste material will be stockpiled onsite. The separation system will be self-contained, with one or two 300-gallon tanks used onsite to capture water collected from the adit area and the waste dump. The water will be recycled through the circuit. Excess water could be land applied as needed in an upland area outside the RHCA. The pH of the water source was tested and found to be in the normal range.

The area impacted for this part of the operation measures approximately 100' x 70' (approx. 0.2 acres), and will be confined to the flat waste dump area immediately adjacent to the adit.

The claimant also proposes drilling six 1½ inch drill holes up to 30 feet deep to test for values using a portable gasoline powered drill. The operation will require the clearing of a 4' x 4' area. Approximately 100 gallons of water per hour are required for this operation. This water would either be hauled from an offsite location, or drafted from a stream within the Forest. In the event water is taken from a source from within the Forest, a Water Use Permit will be required from the Idaho Department of Water Resources. Due to the small amount of water required, it will be allowed to percolate naturally into the ground. It will not be allowed to discharge into any stream or wetland. The exact location of the six drill sites is yet to be determined. A field review which includes the



operator will be necessary before the project is initiated to identify specific sites and related issues and possible site specific mitigation measures. The sites will not be located in an RHCA or riparian area.

Some minor road work will be necessary to maintain access to the project area. Road work will consist mainly of maintaining the existing water-bars, with some minor grading where sloughing in the road cut has occurred.

No live water or wetlands will be directly affected by this proposal. An appropriate buffer of at least 20' will be maintained between any surface disturbance and any RHCA. Some dead and/or down timber may be removed for access and safety. A number of small trees may need to be removed. These will be cut down and piled to one side, then scattered about the immediate area and left in place when work is finished.

All appropriate Best Management Practices (BMPs) for water quality standards and State of Idaho BMPs for mining will be followed. In addition, standard design criteria and mitigation measures have been developed for mining and will be implemented as appropriate for this project along with any additional mitigation that is appropriate.

A hazardous material spill control plan will be included as part of the Plan of Operations and will be adhered to at all times. The project will not use any mercury, cyanide, or other hazardous material or refined substance in the recovery or concentration of gold or other precious metals.

A reclamation bond will be calculated by the Forest Service for the amount necessary to do required restoration work and will be submitted by the operator before the Plan of Operations is approved and before work may begin.

As part of this decision, the claimant will be required to:

***General Requirements:***

- ✓ Notify the District Ranger or minerals administrator at least 48 hours before any work is to begin.
- ✓ Wash all vehicles and equipment used at the site before being brought onto National Forest system lands to prevent the spread of noxious weeds.
- ✓ Avoid disturbance of wetlands and stream riparian zones.
- ✓ Avoid working on saturated soils.
- ✓ Prevent discharge of water into any live stream or wetland.
- ✓ Place weed free straw bales or install silt fence in places as identified by a Forest Service representative to minimize sediment migration from stockpiles and/or raw earth.
- ✓ Obtain prior approval from the Forest Service for cutting or removal of trees or other large live vegetation. Downfall may be removed as needed.
- ✓ Set aside cleared slash and green vegetation (e.g., bear grass) during test pit construction. Remove vegetation in clumps, if possible, with the soil mass intact. Store excavated topsoil and subsoil in separate stockpiles to be used during reclamation. Temporarily replant vegetation clumps in the topsoil stockpile.
- ✓ Cover water pump intake hose with a 3/32" mesh screen.

## *Chucker's Lode Exploration Decision Memorandum*

- ✓ Application sites will typically be natural sumps or depressions, pits, or trap(s) that avoid impacts to wetlands or streams and minimizes impacts to other surface resources. Application rate will be such that overland flow is avoided.
- ✓ Follow the State of Idaho Best Management Practices (BMPs) for all surface disturbing activities, reclamation, and abandonment. BMPs are outlined in the *Best Management Practices for Mining in Idaho (Idaho BMPs)* (Idaho Department of Lands, et al. 1992).
- ✓ Report accidents or injuries to the Forest Service within 24 hours.
- ✓ Develop a hazardous materials and spill prevention plan and submit it to the District Ranger prior to operations.
- ✓ Store no more than 30 gallons of fuel or oil in the project area. Store all fuel or oil in a secondary containment system that limits spills to the environment.
- ✓ Remove all equipment, garbage and trash resulting from the operation from National Forest system lands prior to October 1, the end of the regular operating season. Dispose garbage and trash at a State of Idaho approved site.
- ✓ Use and maintain a sanitary facility (e.g., porta-potty or self-contained camper) at the project area while operations are ongoing.
- ✓ Comply with all applicable Federal and State fire laws and regulations and take all reasonable measures to prevent and suppress fires on the area of operations and require employees, contractors and subcontractors to do likewise (36 CFR 228.11).

### ***Reclamation:***

- ✓ Reclaim drill sites by:
  - Restoring subsoil and topsoil to existing natural ground contour.
  - Replanting beargrass clumps or other vegetation in topsoil.
  - Placing locally available slash and duff over topsoil and around beargrass clumps or other replanted vegetation.
  - Seeding and mulching disturbed areas with appropriate seed mix and certified weed free straw.
- ✓ Perform reclamation concurrently with the operation.

### ***Reclamation Bond and Water Right:***

- ✓ A reclamation bond must be received for this proposal by the Forest Service before work can begin. Bond amount will be calculated by the minerals administrator in an amount sufficient to cover the costs to reclaim the site to pre-project condition.
- ✓ Obtain any necessary permits prior to approval of the Plan of Operations.
- ✓ Seasonal closeout and reclamation must be completed no later than October 1. This is to ensure that all equipment is removed from the site and reclamation is complete before winter weather sets in.

Once the Forest Service receives the bond, the Plan of Operations may be approved.



### *Design Criteria and Mitigation Measures*

The project includes the design criteria identified below. These are not all-inclusive, as Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended).

#### Operations

1. Where water is used to process mineral samples onsite using sump or settling ponds, place silt fences or other suitable erosion control devices between the pond and live waters (including streams, creeks, and wetlands) such that sediment laden water is not delivered directly to these waters.
2. Do not locate excavation pits and spoils piles (temporary or permanent) within any existing wetland.
3. Replant all disturbed soils as soon as possible to minimize soil erosion.
4. Do not remove dead, dying, or downed coarse woody debris from any RHCA.
5. Where feasible, incorporate the existing woody debris and vegetation located onsite into the soil to maintain organic matter content and long-term soil productivity.
6. Do not construct structures (i.e., sheds, shelters) in any wetland or floodplain within the project area.
7. If existing native surface roads are used for access, reconstruct waterbars on the native surface project roads prior to the end of the operating season. Follow guidelines and typical drawings, as specified.
8. Do not remove, disturb, or damage any instream fish habitat structure (e.g., log jam, rock cluster, etc.). If it is necessary for prudent or safe operations to do so, notify the Forest such that the District or Forest fisheries biologist may inspect the proposed changes to fish habitat.
9. Where it is necessary to maintain sanitation facilities on-site, do not locate facilities closer than 50 feet to any lake, stream, river, or wetland; and have spill prevention control and countermeasures such that effluent from the facility does not reach any lake, stream, river, or wetland.
10. If the total oil or oil products storage at a work site exceeds 1,320 gallons, or if a single container (e.g., fuel truck or trailer) exceeds a capacity of 660 gallons, the purchaser shall prepare and implement a Spill Prevention Control and Countermeasures (SPCC) Plan. The SPCC plan will meet applicable EPA requirements (40 CFR 112), including certification by a registered professional engineer. (SFP: FW-119, 120, 122).
11. Discharge of water from operations shall not occur within the RCHA of Fall Creek (no closer than 300 feet, slope distance, to Fall Creek).
12. Drilling activities shall not occur within the RCHA of Fall Creek (no closer than 300 feet, slope distance, to Fall Creek).

#### Cultural Resources

If previously undiscovered cultural resources (historic or prehistoric objects, artifacts or sites) are exposed as a result of operations, cease operations until notification is received from a Forest Service archeologist or the District Ranger that the Forest Service and the operator has complied with provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800.

### III. Rationale for Decision and Reasons for Categorically Excluding the Decision

#### A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(8) *Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road, or use and minor repair of existing roads.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, including the Forest Plan, and (5) my review of the Biological Assessments (BA), Biological Evaluations (BE), specialists' reports, and project record.

#### B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states, "The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist."

#### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

The Forest Interdisciplinary (ID) Team Botanist determined the project would have "no effect" to federally listed plant species and/or their habitats. The project may impact Payson's milkvetch and clustered lady's-slipper, Regional Forester's sensitive species, but would not cause a trend toward federal listing or reduce viability for the population or species. Payson's milkvetch does well in open disturbed habitats and the project may benefit this early seral species.

The ID Team Wildlife Biologist determined the project would have "no effect" to Canada lynx or its habitat. A "may adversely impact individuals or habitat" determination was made for fisher, gray wolf, and Coeur d'Alene salamander. Overall, the effects would be minor and of short duration and would not result in a loss of viability, nor cause a trend towards federal listing or a loss of species viability range wide.

The IDT Fish Biologist determined the proposed actions would have "no effect" to federally listed fish species or designated critical habitat. Steelhead are known to occur in the area; however,



given the timing and minimal ground disturbing type of activities proposed, the project's location outside of the RHCA and the required BMPs and design features listed, the project would not affect steelhead habitat or population abundance and viability. The Fish Biologist determined the projects would have "no impact" on R1 Sensitive species or their habitats.

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Fishery, Wildlife and Botany Biological Assessments and Evaluations and specialists' reports in the project record.

## **2. Floodplains, wetlands, or municipal watersheds.**

The Forest Hydrologist has made the following determinations:

- Floodplains: Executive Order 11988 requires federal agencies to avoid adverse impacts associated with the occupancy and modification of floodplains. There are no floodplains within the activity areas. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.
- Wetlands: Executive Order 11990 requires federal agencies to avoid adverse impacts associated with destruction or modification of wetlands. There are wetlands near the proposed activities; however, the Project does not propose to modify or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.
- Municipal Watersheds: The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.

It is expected that soil disturbance will occur during drilling and exploration operations. However, since there will not be any operations within the RHCAs, it is expected that an insignificant and immeasurable amount of sediment may be delivered to Fall Creek as the result of this project. Cumulative effects would be most noticeable at the site scale (if they occur), becoming progressively less discernable at the sub-watershed, watershed, and sub-basin scales. Given the low degree of anticipated site-level effects, any cumulative effects are expected to be negligible. As such, no significant adverse effects to the water quality of Fall Creek are expected.

The proposed project is consistent with all applicable State and Federal water quality laws because project design criteria and Best Management Practices (BMPs) have been included to protect water resources. The proposed activities are consistent with soil and water standards in the Nez Perce National Forest Plan, including the PACFISH amendment.

Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds.

**3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.**

The project area is not located in any congressionally designated area, and therefore, no extraordinary circumstances were identified to these resources.

**4. Inventoried roadless areas or potential wilderness areas.**

The project is not located within any Nez Perce National Forest Plan FEIS Appendix C Roadless Areas, Idaho Roadless Areas (36 CFR 294(c)), or potential wilderness areas, and therefore, no extraordinary circumstances were identified to these resources.

**5. Research Natural Areas.**

The project area is not located in any research natural area, and therefore, no extraordinary circumstances were identified to this resource.

**6. American Indians and Alaska native religious or cultural sites.**

An appropriate inventory has been conducted for the above project and cultural resources are known to be located within the area of potential effects. The Forest Cultural Resource Specialist has made a determination that the project will have *no adverse effect* to these properties because the cultural resources are not eligible for the National Register of Historic Places. Idaho SHPO concurred with this determination.

**7. Archaeological sites, or historical properties or areas.**

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

**IV. Interested and Affected Agencies, Organizations, and Persons Contacted**

On October 5, 2010, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene Tribes. Additionally, project information has also been made available at <http://www.fs.usda.gov/nezperce> under NEPA projects. A legal notice appeared in the *Lewiston Tribune* on June 15, 2012, inviting comments for 30 days from publication. Three individuals/organizations during the public comment period, and their comments are addressed in Appendix A.

**V. Findings Required by Other Laws**

Based on my review of the actions associated with this project, I find that the Chuker's Lode Exploration Project is consistent with applicable Federal laws and regulations.

**Federal Land Policy and Management Act:** These actions are consistent with the Federal Lands Management Policy Act because they recognize the Nation's need for domestic sources of minerals. Additionally, design features and mitigation measures ensure compliance with this act.

**National Forest Management Act and Nez Perce National Forest Plan:** These actions are consistent with the Nez Perce National Forest Plan (USDA Forest Service 1987), as amended, as required by the National Forest Management Act of 1976 because they follow the standards and guidelines contained in those plans.



**PACFISH/INFISH Riparian Habitat Conservation Areas (RHCAs):** All activities associated with the proposed action comply with direction regarding PACFISH/INFISH because no adverse effects to riparian wildlife or fish species or habitat are anticipated. The project area is not located within an RHCA, and therefore riparian management objectives (RMOs) are not expected to be affected. Because of the nature of the proposed activities (opening an existing adit and drilling with small sumps), site conditions (previously disturbed area), and design criteria, mitigation and BMPs, sediment is not expected to reach any stream. Appropriate design criteria, mitigation and BMPs will prevent any effects to water quality. All ground disturbance will be restricted to an area that has been disturbed in the past, and RMOs will be maintained.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ). No prescribed burning or other activity with the potential to significantly affect air quality is proposed.

**Clean Water Act and State Water Quality Laws:** The Forest Hydrologist has determined that the project complies with the Clean Water Act, and all State and Federal water quality laws because project Design Criteria and BMPs have been included to protect water resources, and it will have no notable effects to the water quality of Fall Creek or downstream waters.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act, as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

**Migratory Bird Treaty Act:** This project complies with the Migratory Bird Treaty Act since it will result in no substantial loss of migratory bird habitat, nor will there be any measurable impact(s) on Neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for "take." In addition, the project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**National Historic Preservation Act:** The Forest Cultural Resource Specialist has made a determination that the project will have *no adverse effect* to the existing property because the cultural resource is not eligible for the National Register of Historic Places. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**American Indian Treaty Rights:** The Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights. The Nez Perce Tribe did not identify any concerns.

No effects to watershed resources, fisheries, wildlife or plant resources will occur as a result of the proposed actions (see B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances).

By ensuring viability of all species and protection of watershed resources, the proposed actions are consistent with treaty obligations and trust responsibilities.

**Environmental Justice:** The proposed actions will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Prime Farm Land, Range Land, and Forest Land:** The proposed actions comply with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

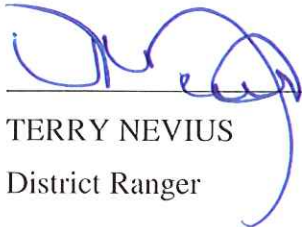
**Energy Requirements:** No unusual energy demands are required to implement the proposed actions.

**Other Laws or Requirements:** The proposed actions are consistent with all other Federal, State, or local laws or requirements for the protection of the environment and cultural resources.

#### VI. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater NFs Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; 208-935-4260 or FAX 208-935-4275.

#### VII. Signature of Deciding Officer

  
TERRY NEVIUS  
District Ranger

  
Date

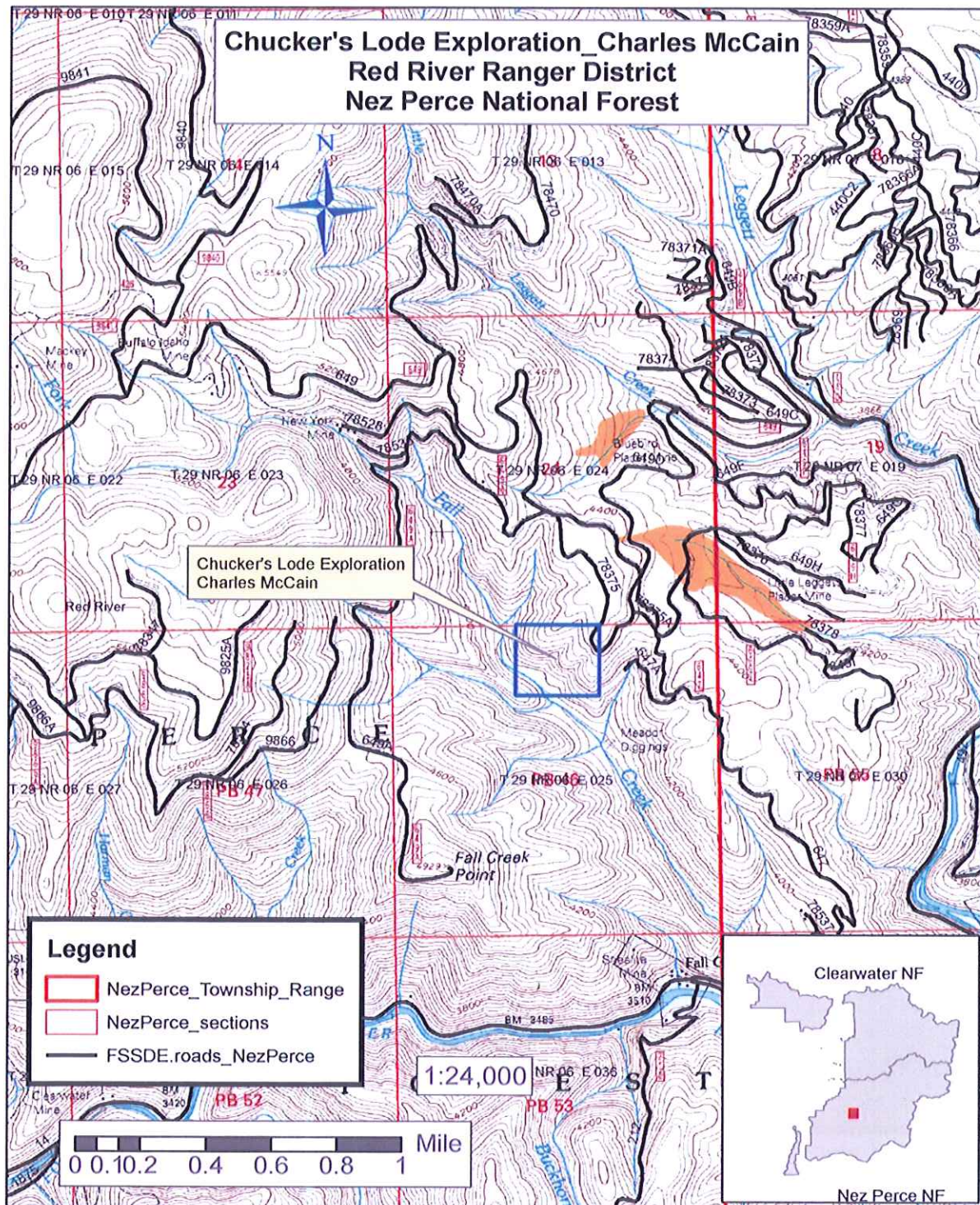
cc: Marty Jones

Enclosure: Map

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## Map of Chukars Lode Exploration Project





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## Appendix A

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### Analysis of Scoping Comments

#### Chucker's Lode Exploration Project

Three letters specific to the project were received during the scoping period of October 5, 2010 to November 10, 2010. The letters were analyzed and an analysis code assigned to the comments (see Table 1).

#### Comment Analysis Codes

- 1: Outside the scope of the proposed action.
- 2: Already decided by law, regulation, Forest Plan, or other higher level of decision.
- 3: Irrelevant to the decision to be made.
- 4: Conjectural and not supported by scientific evidence.
- 5: General comment, suggestion, opinion, or position statement.
- 6: Other agency or partner's consultation, review, advice, recommendation(s), etc.
- 7: Already considered in the proposed action or is standard procedure.
- 8: Will be included in an analysis of effects to the environment.

Codes 1 – 6 are standard codes. Comments assigned to these codes are considered to be non-significant issues. Code 7 was added as a category for those suggestions that are already proposed or for procedures that are routinely done. Code 8 was added as a category for suggestions that will be analyzed for effects to the environment.

**Table 1: Comment Analysis**

Commenter	Comment	Disposition
Gary Mcfarlane Friends of the Clearwater	Water quality issues surrounding the exploration need to be evaluated. The proposal could apply "excess water" on the land. The concern is this is a discharge under the Clean Water Act and it requires a discharge permit (NPDES permit).	There would be no discharge into waters of the United States or wetlands, therefore it is not considered a discharge under the Clean Water Act.
	Even if pH is normal, the water could contain pollutants. This is important because the Fall Creek area is near the South Fork Clearwater, which contains listed fish species.	5
	Furthermore, where would the water come from for the drilling? That is an issue that needs to be addressed.	If process water comes from a source on National Forest lands, a water use permit from the Idaho Department of Water Resources would be required.
	The location of the test holes also needs to be addressed. Are they on the existing roadbed or elsewhere?	Test hole locations would be decided by the operator, but would be limited by conditions of the Plan of Operations.



Commenter	Comment	Disposition
<p>Gary McFarlane Friends of the Clearwater</p>	<p>The issue of claim validity is important. This type of work, if small (again, the scoping letter lacks detail), would seem to be more exploration previous to staking a claim. This is important because the reasonableness of the proposed action needs to be adequately considered.</p>	<p>1, 5</p>
	<p>Activity or facilities that are "reasonably incident" will vary depending on the stage of mining activity ... [which] include initial prospecting, advanced exploration, pre-development, and actual mining. Each stage is defined by an increasing level of data and detail that contribute to [the] probability that the deposit can be mined profitably. Each stage also has an increasing impact on the land.</p>	<p>5</p>
	<p>The logic of sequencing is also obvious to the Forest Service whose charge is the management of surface resources: Keep it small, to the extent practicable, and build, if warranted, from there. In other words, minimize the amount of disturbance to surface resources in order to prevent unnecessary destruction of the area, and to ensure to the extent feasible that disturbance is commensurate with each level of development.</p>	<p>5, 7</p>
	<p>That simple principle is of paramount interest to the Forest Service that, by its Organic Act, is responsible on lands in the National Forest System "to regulate their occupancy and use to preserve the forest thereon from destruction."</p>	<p>5, 7</p>
	<p>...it is questionable whether the claimant has made the discovery of a "valuable mineral deposit" on this claim. (30 U.S.C. 22). A mining claim location does not give presumption of a discovery.</p>	<p>2</p>
	<p>The automatic assumption this is something that can be approved with a CE fails to take a hard look at the need for water during drilling, the possible discharge of water from the adit exploration, and the lack of information about [sic] the location of the proposed drilling holes.</p>	<p>2, 5</p>
<p>Jonathan Oppenheimer, Idaho Conservation League</p> <p>[ICL's comments included four placer exploration projects – Chucker's Lode, Max #2, Bear Track #2, and Imperial Creek.]</p>	<p>We feel the proposed mining exploration is subject to the order issued by the US District Court for the Eastern District of California in Case No. CIV F-03-6386JKS. Specifically, [the] District Court ordered that gathering geophysical data, trenching and clearing vegetation...in association with geophysical investigations were subject to notice, comment and appeal regulations pursuant to the Appeals Reform Act, Forest Service regulations and 36 CFR 215. In the scoping notice, the minerals exploration activities include ... activities [that] would appear to fall within the categories outlined in the Singleton Decision. As such, we encourage you to reconsider scoping these projects pursuant to 36 CFR 215.</p>	<p>The issue is moot since:</p> <p>Section 431 of the Consolidated Appropriations Act of 2014 removed the post-decisional appeals (36 CFR 215) process for projects categorically excluded from an EA or EIS.</p> <p>Section 8006(a) of the 2014 Farm Bill repealed the Appeals Reform Act.</p>

Commenter	Comment	Disposition
Jonathan Oppenheimer, Idaho Conservation League  [ICL's comments included four placer exploration projects – Chucker's Lode, Max #2, Bear Track #2, and Imperial Creek.]	Although the 1872 Mining Law establishes a legal framework for mineral location and entry on public lands, the Forest Service is not obligated to approve plans of operations if it does not fulfill the requirements of all other applicable laws and regulations.	7
	The Forest Service needs to substantiate the validity of all associated claims. An objective validity analysis, including a marketability and prudent person test, needs to be performed...	1
	The Forest Service must submit a biological assessment on all possible threats to listed species, including lynx, bull trout, Steelhead trout and any other listed species ... [and] must consult with the USFWS and NOAA - Fisheries. No incidental take permits should be authorized in association with these projects.	7, 8
	The Forest Service needs to describe, avoid, and mitigate potential impacts on lynx and wolverine. We are concerned ... human activity, particularly with regard to the continual noise from drilling operations, will displace these species or prevent them from using these areas as corridors.	7, 8
	As such, we encourage the Forest Service to limit the number of entries to the minimum needed and to only allow one drill pad to be operated at a time.	As only one drill would be available, only one pad would be in operation at any one time. The drill is a small backpack-sized drill so surface disturbance would be expected to be minimal.
	We appreciate that none of the proposed activities occur within a Riparian Habitat Conservation Area. At the same time, the scoping notice indicated that all projects would be "appropriately" buffered by at least 20 feet from streams or wetlands. It is unclear how a 20 foot buffer was determined to be appropriate.	The 20 foot buffer would be the absolute minimum considered for <i>all</i> situations. Buffer width would be adjusted as appropriate for a given situation.
	If monitoring indicates that 20 foot buffers are adequate to protect water resources, All [sic] operations must comply with the protective standards and regulations stated in the Forest Plan concerning mining, road construction, and tree removal. No Forest Plan amendments should be permitted.	7
	It appears from the maps and project descriptions that activities will occur within RHCAs.	None of Chucker's Lode project's activities are proposed in RHCAs.
	Such mining and its effects on T, E and S species represents and [sic] extraordinary circumstance and an EA must be prepared.	2, 5, 8
	Further, the project analysis must consider Riparian Management Objectives and how they will be maintained and restored following project activities.	7, 8



Commenter	Comment	Disposition
Jonathan Oppenheimer, Idaho Conservation League  [ICL's comments included four placer exploration projects – Chucker's Lode, Max #2, Bear Track #2, and Imperial Creek.]	All fuel and solvents need to be properly contained, labeled, and stored outside of [RHCAs].	7
	Hazardous materials should be transported in small amounts to minimize impacts if there is a spill.	A fuel spill prevention plan will be required as a condition of the Plan of Operation approval.
	A hazardous material plan needs to be in place in the event of a fuel or solvent leak anywhere along the transportation route.	
	Hazardous wastes including grease, lubricants, oil, and fuels need to be disposed off-site in an environmentally appropriate manner on a weekly basis.	7
	Fuel containment equipment, including chemical absorbers and booms to intercept stream transport need to be on site. All workers need to be trained in the use of this equipment.	1
	Monitoring should be conducted at weekly intervals throughout the mining operation and throughout reclamation.	5
	The Forest Service should establish noise limits such that disturbance to surrounding wildlife is minimized and require the operator to abide by these limits.	Noise levels would be equal to that of any other mechanized earth-moving equipment that normally operates on the Forest.
	All equipment should be cleaned to dislodge any soil, seeds, and vegetation before entering National Forest system property.	7
	Work crews trained in noxious weed recognition and removal should patrol the project area.	1
	Weeds or microtrash should be removed.	The project area would be monitored for noxious weeds and if found, appropriate measures taken for removal and control.
	If sumps are proposed for use, drilling operations should be suspended if the sump approaches capacity to allow infiltration to occur.	The size of the drill holes (1-1 ½") precludes the need for large quantities of water and therefore a sump would not be necessary.
	The designated water pumping location needs to minimize impacts on riparian vegetation and soil disturbance.	7
	The water pump needs to be properly lined with an impermeable liner to protect the soil from the full volume of diesel fuel or oil in case there is a leak.	A fuel spill prevention plan would be required as a condition of the Plan of Operation approval.
	The timing of water withdrawal should be defined to avoid impacts to aquatic organisms and T,E and S species.	8
	All drilling activities need to be conducted outside of Riparian Habitat Conservation Areas.	None of Chucker's Lode project's activities are proposed in RHCAs.

Commenter	Comment	Disposition
<p>Jonathan Oppenheimer, Idaho Conservation League</p> <p>[ICL's comments included four placer exploration projects – Chucker's Lode, Max #2, Bear Track #2, and Imperial Creek.]</p>	<p>We recommend the use of directional drilling to reduce surface disturbances and minimize the number of drill pads.</p>	<p>Holes would be drilled to a maximum depth of 20'-30'. The design of the drilling equipment does not allow drilling at less than a 90° angle.</p>
	<p>Weed-free straw bales should line any drainages to protect streams from sedimentation and be removed upon completion of operations.</p>	<p>7</p>
	<p>If any drilling fluids contain any contaminants, sumps should be double lined and have a leak detection and removal system to prevent groundwater contamination.</p>	<p>No commercial drill fluids would be used, only water.</p>
	<p>The sump containers should be large enough to contain all contaminants as well as precipitation from 24-hour, 100 year rainfall events.</p>	<p>The size of drill holes (1-1 1/2") precludes the need for large quantities of water and therefore sumps would not be necessary.</p>
	<p>The Forest Service should require the use of (BMPs)...in a manner that minimizes water quality impacts.</p>	<p>7</p>
	<p>The [FS] should require additional mitigation measures for test holes near riparian areas. The information within the scoping notice was insufficient to demonstrate that 20 foot buffers adjacent to streams and wetlands [are] sufficient to meet the requirements pursuant to the Clean Water Act, PACFISH, and/o [sic] Idaho's Groundwater Rules.</p>	<p>The 20 foot buffer would be the absolute minimum considered for <i>all</i> situations. Buffer width would be adjusted as appropriate for a given situation.</p> <p>There would be no discharge of any materials into a stream or RHCA. The majority of the material would be carried offsite for further testing.</p> <p>Ensuring consistency with the Clean Water Act, PACFISH and/or Idaho's Groundwater Rules is standard procedure.</p>



Commenter	Comment	Disposition
<p>Jonathan Oppenheimer, Idaho Conservation League</p> <p>[ICL's comments included four placer exploration projects – Chucker's Lode, Max #2, Bear Track #2, and Imperial Creek.]</p>	<p>The effects of mining exploration activities on surface water and groundwater quantity and quality need to be determined for a full range of flow conditions. This geochemical analysis should include the following factors:</p> <ul style="list-style-type: none"> <li>• sedimentation</li> <li>• transportation of hazardous or toxic materials</li> <li>• on-site water needs</li> <li>• source of water</li> <li>• the depth and flow of water table</li> <li>• drilling depth</li> <li>• the potential for chemicals and toxins to leach into surface and ground waters</li> <li>• water capture and subsequent leakage by sumps</li> <li>• waste water discharge from site</li> <li>• storm water runoff</li> </ul>	<ul style="list-style-type: none"> <li>• Sedimentation from roads and trails would be monitored and mitigated as stipulated in the approved Plan of Operation.</li> <li>• Fuel and oil would be the only toxic materials on site. A spill prevention plan would be in place, per the Plan of Operation, before activities could begin.</li> <li>• Onsite water needs and sources were addressed in the Scoping notice.</li> <li>• A detailed analysis of water table depth and flow is beyond the scope of this project. A more detailed analysis would be conducted if full scale mining is proposed at a later time.</li> <li>• The maximum drill hole depth for this project is 30 ft. A drill hole of this size would have no significant effects on groundwater or surface water flow or quality.</li> <li>• No chemicals and/ or toxins would be discharged onsite.</li> <li>• No sumps would be used.</li> <li>• No water would be discharged from the open trenches or pits into the surrounding area. If required, excess water may be applied to upland areas. This would apply to excess storm water runoff as well.</li> </ul>
	<p>The Forest Service needs to specify whether mine operators will be living on or off-site.</p>	<p>Operators would be camping on National Forest lands intermittently during the operating period.</p>
	<p>All garbage must be disposed of appropriately in a timely fashion.</p>	<p>7</p>
	<p>To avoid contaminating the area with human feces, a portable toilet river-running style toilet should be located on the site and serviced regularly.</p>	<p>Sanitary facilities such as those referenced would be available and used at the site.</p>
	<p>To minimize impacts to recreationists and wildlife, operations should be limited to daylight hours and...</p>	<p>Activities would be expected to occur between the hours of 0600 in the morning to 2000 in the evening.</p>

Commenter	Comment	Disposition
Jonathan Oppenheimer, Idaho Conservation League  [ICL's comments included four placer exploration projects – Chucker's Lode, Max #2, Bear Track #2, and Imperial Creek.]	...generators should be limited to campground hours	The operator would be required to adhere to the same standards as all other forest users regarding the use of generators.
	Regularly inspected fire extinguishers and shovels need to be placed in all vehicles.	Mining claimants and operators would be required to adhere to the same fire prevention and protection standards as all other forest users and equipment operators. As such, they would have all needed fire prevention equipment on site.
	To reduce risks of fires, all on-site burning should be conducted in a fire pan or fire ring. Only combustible materials should be placed within the fire ring.	
	Burning should not be allowed during moderate to high fire risk periods.	
	We are also concerned about recreational and wildlife impacts in terms of noise and site occupation.	Impacts from noise and human presence on recreationists and wildlife would be similar to that of other actions involving mechanized earth-moving equipment that normally operates on the Forest.
	Water pumping and drilling should be limited to daylight hours to reduce impacts on recreationists and wildlife.	Activities would be expected to occur between the hours of 0600 in the morning to 2000 in the evening
	All activities need to be completed within one year from issuance of the permit or the bond should be forfeited.	2, 7
	The Forest Service needs to analyze cumulative effects from past, current, and foreseeable mining, timber, or recreational activities in and around the project area.	7, 8
	The reclamation of the area must take place concurrently with the mining operation and...	7
	...return the site to a more natural condition than presently exists.	1, 5
	This bond should cover refilling all trenches, drill holes, stabilizing waste rock piles, lining and capping mining wastes, recontouring and revegetating the site, removing noxious weeds, and naturalizing the area.	A bond for the amount to cover <i>all</i> required reclamation costs would be calculated and be submitted by the operator before the Plan of Operations was approved and before work may begin.
	Only one drill hole should operate at one time.	Only one drill site would be in operation at any given time.
	Any topsoil or large woody debris should be salvaged and replaced following operations.	7
	We believe that additional obliteration of non-system roads and riparian restoration should be core components of any reclamation plan.	1
	Complete reclamation should occur as soon as possible after operations cease.	7



Additional Comments on the Chucker's Lode Exploration Project

The following comments were received post-scoping and are included in the project record.

Commenter	Comment	Disposition
Idaho Conservation League Supplemental Comments  (The ICL supplemental comments include 26 small mining projects, including the Chucker's Lode Exploration project.)	[W]e feel strongly that an EA is required for each project based on the degree of, or uncertainty surrounding, extraordinary circumstances present for each project.	We have determined no extraordinary circumstances exist (36 CFR 220.6), and therefore the use of a CE is appropriate for each project.
	We also [have] concerns about whether each Project would comply with the Forest Plan, the Endangered Species Act, other laws and regulations.	7
	We believe it is improper for you to approve any of these 26 projects using Category 8 and must at a minimum prepare an EA for each project.	We have determined no extraordinary circumstances exist (36 CFR 220.6), and therefore the use of a CE is appropriate for each project.
	[T]he agency cannot utilize Category 8 ... the Ninth Circuit has held, an agency's decision to establish a category of actions that are excluded from full NEPA review can only be made with a full understanding of the significance of the impacts resulting from application of the category.	1, 2, 3, 5, 7, 8
	The Forest Service never performed a direct, indirect or cumulative impacts analysis (or any of the required ESA consultation and analysis) on Category 8 -- routine, short-term mining investigations and their incidental support activities -- and the related provisions in Chapter 30 of the Forest Service Handbook [re:] extraordinary circumstances.	1, 3, 5
	[B]ecause adoption of Category 8 and Chapter 30 violated NEPA and the ESA, the Forest cannot rely upon on those provisions for approval of the proposed exploration projects.	1, 2, 5
	[E]ven if Category 8 was properly adopted, we question whether you can use Category 8 to approve any of these 26 mineral exploration projects, because [they] are concentrated in three ranger districts and have potentially significant cumulative impacts on the human environment. Accordingly, Category 8 cannot be used to approve these projects.	2, 5, 8

Appendix A / Analysis of Scoping Comments / Chucker's Lode Exploration Project

Commenter	Comment	Disposition
<p>Idaho Conservation League Supplemental Comments</p> <p>(The ICL supplemental comments include 26 small mining projects, including the Chucker's Lode Exploration project.)</p>	<p>Not only must you consider the cumulative impacts of [the] 26 Projects currently being considered for approval under Category 8 ... you must also consider the impacts of all projects previously approved using Category 8.</p> <p>Further-more, you must review any other past, present, or reason-ably foreseeable impacts in your cumulative impacts analysis for these projects, including but not limited to: road construction, timber management, minerals exploration and development, livestock management, travel management, wildfire, prescribed fire, or other activities.</p>	<p>Cumulative effects of the proposed activities will be analyzed. The scope of the cumulative effects analysis will be determined by the individual resource specialists.</p>